

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD L. MOSHIER, JR.)	
)	
Plaintiff,)	
v.)	Civil Action No. 05-180 Erie
)	
UNITED STATES OF AMERICA,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM JUDGMENT ORDER

_____ Plaintiff's civil rights complaint was received by the Clerk of Court on June 10, 2005 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The chief magistrate judge's report and recommendation, filed on April 9, 2008 [68], recommends that the Defendant's motion for summary judgment [51] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at FCI Schuylkill, where he is incarcerated, and on the Defendants. On April 29, 2008 Plaintiff filed his objections to the Report and Recommendation [69]. After de novo review of the complaint and documents in the case, together with the report and recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 30th day of May, 2008;

IT IS HEREBY ORDERED that the Defendant's motion for summary judgment [51] is GRANTED.

IT IS FURTHER ORDERED that JUDGMENT be, and hereby is, entered in favor of Defendant, the United States of America, and against Plaintiff Donald L. Moshier, Jr..

The report and recommendation of Chief Magistrate Judge Baxter, dated April 9, 2008 [68], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
U.S. Magistrate Judge Baxter